IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 3006 OF 2007

Sharadkumar @ Munna s/o Jagdish Dixit
v.
Indradutta Ambikaprasad Gupta & ors.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.P.S.Sadawarte Advocate for the Petitioner.
Mr.Purohit Advocate for Respondent no.4.

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CORAM: A.B. CHAUDHARI, J.
DATED : 30th AUGUST, 2007.

Heard Mr.Sadawarte, learned counsel for petitioner and Mr.Purohit, learned counsel for respondent no.4.

2. What is under challenge is an order made by the trial Court below Ex.207 in Reg. Civil Suit No.737/01 allowing the application for making consequential amendment as a consequence to the amendment made by the plaintiff which was allowed by the trial Court. Mr.Sadawarte vehemently argued that the consequential amendment that was proposed

was argumentative in nature and did not contain specific reply to the amended portion, which the plaintiff amended. He further argued that the respondents should have filed consequential amendment in terms of the amendment carried out by the plaintiff.

3. Mr.Purohit, learned counsel for respondent no.4 opposing the writ petition, submitted that the proposed consequential amendment contains necessary denials of the pleadings which were added to the amendment by the plaintiff. He, therefore, prayed for disposal of writ petition.

4. Having heard the learned counsel for the rival parties, it appears to me that the consequential amendment by the respondents/defendants contains denials and is also argumentative in nature. If the respondents have not taken care to meet each and every amendment carried out by the petitioner to the plaint, they run the risk, but

the petitioner is not prejudiced. I do not find any reason to interfere with the impugned order in the extra ordinary writ jurisdiction. Petition dismissed. No order as to costs.

JUDGE

/TA/